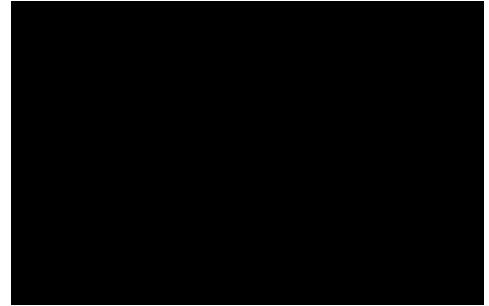


*Jonathan Weingarten Law Professional Corporation*

*Barrister & Solicitor*

*Notary Public*

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**June 18, 2024**

**To: Members of the Committee of Adjustments**

**Re: Objection to Application A070/24 (116 Farrell Road) –  
Objections by Neighbors Jonathan Weingarten, Vered  
Weingarten, Michael Monosov, Ilay Avnin and Eran Gurvich**

1. The undersigned, Jonathan Weingarten, Vered Weingarten, Michael Monosov, Ilay Avnin and Eran Gurvich hereby wish to present their unequivocal objection to the subject matter application known as AO70/24 (116 Farrell road).
2. **Preliminary Request – Adjournment of Hearing**

It is hereby requested to adjourn the hearing of the Application for a short while for the following reasons:

1. **Attendance in Person** - All of the objecting neighbors have received a written Notice from the Committee of Adjustments only on June 10, some 10 days only prior to the hearing, while 4 out of 5 of the objecting neighbors are currently abroad though wish to attend in person at the hearing to raise their concerns to the members of the Committee. In particular, the most detrimentally affected neighbors by the Application, Jonathan Weingarten and Vered Weingarten residing adjacent to the illegal structure, have been anxiously waiting many months for their voice to be heard and would content that in person appearance before the member of the Board, would be most effective to convey their very serious concerns, worries and agony over the enormous illegal structure built adjacent to their property. Presentation of the

- objection through a video conference does not seem to be effective and persuasive in this particular Application whereby the Members of the CoA are requested to approve an unusual by its size and nature of an illegal structure combined with another structure and 2 connecting stairs, all which pose a deep concern to the objecting neighbors.
2. **Professional Legal Advice** - The concerned objecting neighbors, in particular Jonathan Weingarten and Vered Weingarten, the most affected by the Application, are in a process of hiring a professional planner, as a professional advisor to the objections by all the objecting neighbors, and it seems that as the objecting neighbors are not professional in the area under scrutiny before the members of the CoA, they wish to exercise their full right to obtain professional legal advise in a timely manner so to present their objection to the subject Application.
  3. **No Harm to the Applicant in adjournment of the Hearing** – In adjourning the hearing for a short while, no harm or prejudice would be caused to the Applicant. It should be mentioned that the Applicant had been given since December 2023, ample opportunities to file his Application and has provided so only - after several extensions provided to him - during the 2<sup>nd</sup> half of May 2024, some 6 months thereafter.
  4. **Single and only option to an Objection to be heard** – While the Applicant has been given countless options and extensive time of many months to prepare his Application with professional advisors, the objecting neighbors are being given only a single chance to have them consult with a professional, prepare their objection and reasoning to be heard at the hearing, all in such short notice of some 10 days, including a weekend. It would be unreasonable, unjust and prejudicial to prevent the objecting neighbors from consulting with experts, preparing objections and voicing their concern in a timely manner.
3. In the alternative, since the objecting neighbors have been advised that a request for adjournment would heard only on day of the hearing, should the request for adjournment be denied, a decision which would be most disappointing to the objecting neighbors, the objecting neighbors would kindly present their unprofessional though reasonable and hopefully persuasive objection to the Application as the following:
- A. **Height of the Gazebo wooden Floor exceeding Height of the Adjoining Fence** - The height of the proposed wood deck of Gazebo exceeds the heigh of the fence between 116 Farrell Road and 120 Farrell Road as clearly could be seen from the attached video from the neighboring back yard of 120 Farrell Road ( **Attachment marked “A”**). The proximity of the Gazebo to the back yard of 120 Farrell Road of around 2 meters only, has an overwhelming prejudicial and harmful affect considering the enormous size of the Gazebo.

- B. **Height of the Gazebo Ceiling well over the Permissible Height** - The height of the ceiling of the Gazebo of 13.10 feet, well over permitted by the City By-law, does not seem to be a minor variance at all, taking into account also the size of the ceiling which covers the whole wood deck of the Gazebo which is on its own a very big size equal to 628 SQF.
- C. **Combined Size of both Deck Structure and Gazebo Structure plus 2 set of connecting stairs** - The combined size of the second deck plus the detached Gazebo ( 2 separate structures) is about 1,100 SQF, let alone the 2 set of long stairs between the deck and the Gazebo, and from the floor to the extremely high wooden deck of the gazebo, all of which are disproportionate to the back yard lot size of the Applicant, taking into account the shape of the subject back yard and its proximity to the objecting neighbors of 120 Farrell Road and even 124 Farrell Road.
- D. **Dramatical and Detrimental affect on the Privacy and Enjoyment of the neighbors in Proximity to the Subject Application illegal structures** - The over size and height of the wooden floor of the Gazebo, detrimentally affects the privacy of the family living at 120 Farrell Road, not only as per enjoyment of it back yard practically from the wooden deck of the Gazebo there is a very open view affecting the privacy and enjoyment of the residents of 120 Farrell Road and 124 Farrell Road main floor, most notably the kitchen and breakfast area.
- E. **Disproportionate Ratio between the Wooden Deck and Ceiling to the Size of the Hot Tub** - There seems to be a noticeable and unjustifiable proportion between the size of the wooden deck and ceiling of the gazebo ( 628 SQF) to the hot tub which is much smaller. The Applicant is attempting to achieve the purpose of enjoying the hot tub by having built a disproportionate high and overwhelmingly large wooden deck. The enjoyment of the hot tub could be fully achieved by a much smaller and lower deck without any annoyance and controversy with the neighbors.
- F. **Proposed Plan Detrimental and Counter effective to the Nature, Intended Plan and Character of the Neighborhood** - The general nature and size of both the detached wooden deck and gazebo from the main house together with the main deck and 2 sets of stairs, all of which are unprecedented by all means in the neighborhood, do not serve the desired nature and character of the neighborhood, the intention of any plan for the neighborhood and the adjoining properties in particular, as it would be expected for the intended enjoyment of similar back yards of properties which are limited in size and shape.
- G. **The Interest of the Public in General and the Citizens of the City of Vaughan in Particular in obeying to Laws, By Laws, Building Conditions and Requirements** – The Applicant, resident for some years in the City of Vaughan is an experienced and long standing ( 22 years as his web site suggests) professional contractor, specializing

in building of education centers, such as schools, as well as petrol stations and other forms of building, all requiring building permits, obedience to building codes, by laws, and so forth. All rules and permits pertaining to building and construction are bread and butter and of the very essence of the Applicant's daily work in and out.

The Applicant in the instant case, has deliberately and with full conscious decided to simply ignore any law and any permit, having utter disregard to the City of Vaughan laws, by laws, the building department, the by law department, Necessity of building permit as well as ignoring the role of the CoA.

Instead, not only the Applicant has variably and in writing misled the adjoining neighbors, Jonathan weingarten and Vered Weingarten, to believe that he already has a City of Vaughan permit in hand but has assured them that his architect has already personally visited the City of Vaughan and received its approval from its building department. Jonathan Weingarten and Vered Weingarten, who did not know at all in real time of the procedure involved in obtaining a permit, including the need to be approved by the CoA, has naively trusted the Applicant only to realize later, after their return from several weeks abroad, that the Applicant has constructed in their absence the existing overwhelming and massive detached illegal deck and ceiling. Jonathan Weingarten and Vered Weingarten became aware of the willful deceit by the Applicant, after having called the City of Vaughan to hear that an Application has never been filed by the Applicant. The Applicant, knowing well and realizing that Jonathan Weingarten and Vered Weingarten are very unfamiliar with building codes, rules and by laws, has manipulated them as "material in the hand of the creator" in order to avoid any inquiry by them during the process of building the illegal wooden Gazebo and ceiling, especially when the latest were away abroad for several weeks.

The undisputed fact that a professional contractor may all along deceit his neighbors, breach the very laws and rules he is fully aware and knowledgeable about, continue enjoying from the illegal structure, improving it during the interim period of being served with a kind of cease and desist order by the by law department up until present time, while being fully sure that most probably his Application would be fully approved, all the above creates a serious doubt as to the trust of the public at large and the citizens of Vaughan in the need to abide to laws and rules in a timely manner and doubting in the administration of justice by the law enforcement agencies of the City of Vaughan.

As of now, the Applicant deliberate avoidance of abiding to the law and the law enforcement agencies of the City of Vaughan, has not been deterred at all, and this could be significantly noticed by his mockery of his neighbors all along up until now.

As of now, many months after completion of the illegal structure and stairs, there seems to be no deterrent to those who choose to ignore the law all together, all which seems to put into an embarrassment those citizens who abide to the laws and choose to follow the City of Vaughan proper procedure which is accompanied often by fees and deposits. (**Attached extracts and photos from the Applicant's website marked "B"**)

**H. Applicant Adding of Letter of Support of Next Door Neighbor to the Application**

The Applicant has added to his Application to the CoA a support letter from a neighbor residing at 112 Farrell Road in order to corroborate his Application. Adding any letter of support is legitimate in normal circumstances which in this case do not seem to exist. The neighbor residing at 112 Farrell Road may perhaps added his letter in order to protect him self from an illegal massive fully built building ( walls, roof, door and windows) he built in his back yard, which is backing a fence by only several centimeters, as well as building what seems to be an illegal opening from the main building wall to the backyard ( creation of walk out from basement). As there seems to be a file opened against the illegal project in 112 Farrell Road held by the Building Department of the City of Vaughan, the letter of approval by the owner of 112 Farrell Road attached to the Application should be read and considered with great caution and concern. Having neighbors support each other for their own personal interest, while those both neighbors deliberately breach any piece of municipal law and mocking the law enforcement agencies, such practice should be deplored and renounced, in light of respect to law abiding citizens. Moreover, the need to mention that the illegal gazebo and 2 flights of stairs are not adjacent to the 112 Farrell road fence with the Applicant's house.

4. The Committee is wholeheartedly requested to reject the Application in its entirety due the justifiable reasons provided above, otherwise on approval shall sadly cause heart break.

Yours,

On behalf of:  
Jonathan Weingarten  
Vered Weingarten  
Michael Monosov  
Ilay Avnin  
Eran Gurvich

*Jonathan Weingarten*  
*Jonathan Weingarten*  
*Barrister & Solicitor*  
*Notary Public*

